

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X

BULLION SHARK, LLC,

Plaintiff,

-against-

FLIP A COIN BULLION LLC, MATTHEW
FORMAN, CHRISTINA CAPPELLO, JACOB
FORMAN and JOSEPH FORMAN,

Defendants.

-----X

Case No.: 2:23-cv-6529 (NJC) (ARL)

**DECLARATION OF AARON
HAROUCHE IN SUPPORT OF
PLAINTIFF'S MOTION FOR
RECONSIDERATION OF ITS
MOTION FOR A TEMPORARY
RESTRAINING ORDER**

Aaron Harouche declares, pursuant to 28 U.S.C. § 1746, under penalty of perjury under the laws of the United States of America, that the following is true and correct:

1. I am a salesperson for Bullion Shark, LLC ("Bullion Shark" or "Plaintiff"), the Plaintiff in this case.
2. As such, I am familiar with all the facts and circumstances heretofore had herein based upon my personal knowledge and from information I have learned from customers, vendors, and other third parties concerning the Defendants and their conduct described at length herein.
3. I submit this declaration in support of the Plaintiff's Motion for Reconsideration.
4. In or about March 2021, I began employment with Bullion Shark as a salesperson.
5. I am currently a salesperson for Bullion Shark.
6. As a salesperson, we are compensated, primarily by commissions on sales made to customers.
7. Bullion Shark provides its salespeople with a select list of qualified leads and existing customers to help facilitate calls for the purposes of making sales. This list is password

protected and can only be accessed while employees such as myself are physically present in the office.

8. On or about December 18, 2023, I was contacted by one of Bullion Shark's existing customers, John Lafalgio ("Mr. Lafalgio"), whom I regularly interact with and sell coins to.

9. Mr. Lafalgio informed me that he was recently contacted by Flip a Coin Bullion ("Flip a Coin"). Mr. Lafalgio further informed me that during his discussions with Flip a Coin, he was asked the prices that Bullion Shark was offering to sell him coins for.

10. Mr. Lafalgio further informed me that Flip a Coin was willing to "beat any price [Bullion Shark] give[s] [him] on any and everything." Annexed hereto as **Exhibit "A"** is a copy of a text message conversation with John Lafalgio.

11. Thereafter, on December 19, 2023, Mr. Lafalgio cancelled an order for products from Bullion Shark.

12. By cancelling his order, I have lost out on those commissions that I would have normally earned through the sale to Mr. Lafalgio and I cannot quantify the amount of lost commissions in the future should Flip a Coin continue to improperly solicit Mr. Lafalgio's business.

13. On or about December 12, 2023, I was contacted by one of Bullion Shark's existing customers, John McCrory ("Mr. McCrory").

14. Mr. McCrory and his wife, Georgia McCrory ("Mrs. McCrory") had first started buying coins from me on or about January 19, 2023.

15. They were on the list of leads provided to me by the Plaintiff, which I have developed over time as a great customer who consistently purchases from Plaintiff.

16. Mr. McCrory informed me that he had received numerous phone calls from “Matt” at Flip a Coin, despite Mr. McCrory informing Matt to stop contacting him.

17. Mr. McCrory questioned me about how Flip a Coin had received his contact information, as Mr. McCrory stated he does not freely give out his contact information and never provided his contact information to Flip a Coin.

18. Mr. McCrory was understandably upset and had questioned whether I had provided Flip a Coin with his contact information.

19. After my call with Mr. McCrory, he sent me a text message, outlining what had transpired with his calls with Flip a Coin. Annexed hereto as **Exhibit “B”** is a copy of the text message I received from Mr. McCrory regarding Flip a Coin improperly contacting him.

20. Mr. McCrory informed me that Flip a Coin was seeking the prices of coins that Bullion Shark was offering for sale in order to provide Mr. McCrory with a lower price and to undercut Bullion Shark’s business.

21. On or about November 10, 2023, I received a call from another customer of Bullion Shark, Paul Shuliga (“Mr. Shuliga”).

22. Mr. Shuliga regularly purchases coins from me after I was provided his contact information from Bullion Shark from its qualified leads and existing customers list.

23. Mr. Shuliga first purchased coins from myself on or about July 12, 2021.

24. Mr. Shuliga is a customer who consistently purchases coins from me and is valued as a top customer.

25. Mr. Shuliga informed me that Flip a Coin Bullion has contacted him, on average, twice a day to solicit his business away from Bullion Shark.

26. In fact, Mr. Shuliga informed me that Flip a Coin sold him the same coins that Bullion Shark was offering for sale, but at a lower quality and a lower price than that which Bullion Shark offers.

27. Due to Flip a Coin undercutting Bullion Shark's pricing and coin quality, I have lost out on potential commissions to Mr. Shuliga, which I am unable to quantify.

28. On or about November 15, 2023, I was contacted by Michael Perrault ("Mr. Perrault") regarding whether I had heard of a company named Flip a Coin, who was constantly contacting him.

29. Specifically, Mr. Perrault informed me that Jacob from Flip a Coin was regularly contacting him to solicit sales to Mr. Perrault.

30. Mr. Perrault further informed me that Jacob from Flip a Coin has contacted him at least four times in a three-week period to offer the sale of coins at a rate lower than that with which Bullion Shark offers. Annexed hereto as **Exhibit "C"** is a copy of email correspondence that I received from Mr. Perrault on November 17, 2023.

31. Mr. Perrault originally became a client of Bullion Shark after he had purchased coins from Bullion Shark's website.

32. Following the online sale to Mr. Perrault, he was placed on Bullion Shark's existing customers list.

33. Mr. Perrault places, on average, two orders for coins per month from me.

34. Based on Flip a Coin's improper solicitation of business from Mr. Perrault, I am faced with the lost sales and commissions from Mr. Perrault, which I am unable to quantify.

35. On or about November 28, 2023, I received a phone call from Matthew Alvey ("Mr. Alvey").

36. As set forth below, Mr. Alvey is on Plaintiff's list of qualified leads and existing customers, and is a customer I frequently sell to.

37. Mr. Alvey called me to ask whether I had heard of the company Flip a Coin as they were calling him twice a day to solicit sales from him.

38. Mr. Alvey questioned whether Bullion Shark had provided his contact information to Flip a Coin because he had not provided his contact information to Flip a Coin previously.

39. Mr. Alvey first became a customer of Bullion Shark after he responded to a pamphlet solicitation and purchased coins from Bullion Shark on December 5, 2022.

40. After Mr. Alvey responded to the pamphlet solicitation and purchased coins from Bullion Shark, he was placed on Bullion Shark's qualified leads and existing customers list.

41. Thereafter, I personally made a sale to Mr. Alvey on December 20, 2022, after I was provided his contact information from Bullion Shark's qualified leads and existing customers list.

42. Mr. Alvey further informed me that he was skeptical of doing business with Bullion Shark moving forward because he no longer trusted that Bullion Shark was protecting his contact information.

43. As such, Bullion Shark's reputation with Mr. Alvey was damaged due to Flip a Coin's constant phone calls to him.

44. For the sake of clarity, Bullion Shark did not provide Mr. Alvey's contact information to any other entity, including Flip a Coin.

45. On or about December 14, 2023, Mark Luke ("Mr. Luke") contacted me to ask me about Flip a Coin.

46. Mr. Luke has been a customer of mine since April 28, 2023.

47. I received Mr. Luke's contact information from Bullion Shark after Mr. Luke purchased coins from Bullion Shark's website on March 10, 2023 and was placed on Bullion Shark's qualified leads and existing customers list.

48. During our call on December 14, 2023, Mr. Luke complained that Flip a Coin had received his contact information and informed me that he was going to block the calls from Flip a Coin.

49. On or about November 10, 2023, Mark Joslyn ("Mr. Joslyn") contacted me regarding a potential sale of 2024 coins to him.

50. Mr. Joslyn informed me that he no longer wished to buy the signed 2024 Mint State 70 coins from Bullion Shark after Flip a Coin had contacted him and offered him unsigned 2024 Mint State 70 coins at a severely reduced rate compared to the price that Bullion Shark was offering for the signed coins.

51. Due to Flip a Coin's improper solicitation of Mr. Joslyn, I lost out on approximately \$2,000 in sales to Mr. Joslyn, which ultimately hurt my earned commissions.

52. Despite previously talking about these coins, Mr. Joslyn told me he was no longer interested in this coin moving forward, meaning that future sales to Mr. Joslyn for these coins were no longer feasible.

53. I am unable to quantify the amount of lost commissions from Mr. Joslyn as I do not know how much he was going to buy of these coins in the future.

54. Based on the above, it is clear that Flip a Coin will not cease contacting Bullion Shark's customers from Bullion Shark's qualified leads and existing customers list unless the Court orders Flip a Coin and its principals and employees to cease.

55. Lastly, immediately after Christina Cappello (“Cappello”) had left her employment with Bullion Shark, I learned during a conversation with Matthew Forman and Cappello that Flip a Coin was sourcing their coins from the same suppliers that Bullion Shark obtained its products from.

56. During this conversation, I further learned that Cappello copied Bullion Shark’s supplier contact information prior to her leaving employment with Bullion Shark.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on December 22, 2023.



Aaron Harouche (Dec 22, 2023 17:58 AST)

Aaron Harouche






2023-12-22 Aaron Harouche Declaration

Final Audit Report

2023-12-22

Created:	2023-12-22
By:	Emanuel Kataev (mail@emanuelkataev.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAA4OHU9-2MLiu-PS2k0JmseU-xSW59oSy2

"2023-12-22 Aaron Harouche Declaration" History

-  Document created by Emanuel Kataev (mail@emanuelkataev.com)
2023-12-22 - 6:46:54 PM GMT- IP address: 65.51.198.20
-  Document emailed to Aaron Harouche (aaron@bullionsharks.com) for signature
2023-12-22 - 6:47:25 PM GMT
-  Email viewed by Aaron Harouche (aaron@bullionsharks.com)
2023-12-22 - 6:47:34 PM GMT- IP address: 74.125.210.66
-  Document e-signed by Aaron Harouche (aaron@bullionsharks.com)
Signature Date: 2023-12-22 - 9:58:29 PM GMT - Time Source: server- IP address: 193.248.104.178
-  Agreement completed.
2023-12-22 - 9:58:29 PM GMT